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1 28. (new; to follow claim 5) The device of claim 5,  
2 wherein:  
3 the shuttle is arranged for substantially linear  
4 translation, exclusively.

1 29. (new; to follow claim 22) The device of claim 22,  
2 wherein:  
3 the shelf is substantially rigid.

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#### REMARKS

Applicants thank Examiner Ly T Tran for having allowed claims 9 through 15, and claims 23 through 26 — and also for having indicated that claims 7 and 8 would be allowed if suitably amended. Claim 7 has now been so amended, and claim 8 depends from claim 7; therefore claims 7 and 8 are believed to be now in condition for allowance.

#### Section 102 rejections

Claims 1, 4, 5, 6, 16, and 18 through 22 are stand rejected as anticipated by Osborne. For reasons detailed below, the Applicants respectfully traverse.

In the Official Action, in support of the rejections of claims 1 and 22, it is said — in the bottom paragraph of page 2 in the Action — that Osborne discloses (emphasis added):

*horizontally oriented*  
"A generally planar shelf mounted for rocking motion . . . [and for] spilling the received ink . . . into the spittoon (Fig. 7, Column 6: line 15-35)."

With respect, these descriptions are factually in error for the following three reasons.

In fact, first, Osborne shows no "shelf", but rather an endless belt. Second, his belt fails to answer to the description of any "planar" structure.

Third, Osborne's belt does not undergo any sort of "rocking" (i. e., back-and-forth tilting motion). Rather the belt travels in a continuous spooling or rotary motion, unidirectionally as indicated by the arrow in Fig. 7.

Furthermore the cited passage at Osborne's column 6, lines 15 through 35, says nothing whatsoever about the purported features.

As to claim 5, it is said in the Official Action (at middle of page 3) that Osborne's temporary spittoon is "mounted on a shuttle" — and, two paragraphs later, that the apparatus includes a "reciprocating shuttle". Both these assertions cite Fig. 3 for support.

Once again the Applicants must respectfully point out that Osborne's drawings all show rotary devices that evidently operate unidirectionally as indicated by the arrows in all of his Figs. 4, 5 and 7; whereas a "shuttle" by definition is a device that moves back and forth, i. e. reciprocates. The cited Fig. 3 provides no suggestion to the contrary — that is to say, no suggestion that Osborne's temporary spittoon operates in any kind of shuttling action.

As to claim 6, it is said in the Official Action (in the top paragraph on page 4) that Osborne transfers the ink on the temporary spittoon surface under gravity. Claim 6 of course depends from claim 5, which as explained just above distinguishes Osborne's unidirectional operation; for this reason claim 6 too is patentable over Osborne.

In addition, while the ink does fall under gravity from the temporary spittoon into the spittoon, this transfer is not under gravity exclusively. Actually it falls only after being scraped off that surface.

Analogously as to claim 19, it is said in the Action (in the paragraph just below the center of page 4) that ink can "flow from the temporary spittoon [into] the spittoon (Fig. 3: element 95)."

Actually, however, once again the ink cannot "flow" as a liquid does — or as granular material does — but rather must only eventually fall from the tip of the scraper 90. In fact the cited element 95 in Fig. 3 apparently represents ink scraped from the annular temporary spittoon and continuing to adhere to the scraper; it falls only after additional semisolid ink is added, breaking off the encrusted ink.

Turning to the rejection of claim 20, it is said in the Official Action (penultimate paragraph on page 4) that Osborne "discloses the temporary spittoon comprises a porous body" and that ink will "flow through the temporary spittoon to [the] spittoon (column 9: line 10-12)." Osborne, however, in the cited passage of column 9 says nothing about any porous body.

Furthermore no passage of Osborne is seen to recite flow of ink through any porous body forming a part of a temporary spittoon, or in fact through any part of any temporary spittoon at all. The feature particularly claimed in claim 20 is discussed in the present specification on page 8 — at lines 3 and 4, and lines 13 and 14.

Section 103 rejections

Claims 2 and 3 are rejected over Taylor in view of Anderson. The Anderson patent, however, issued seven months after filing of the present application, making it "Section 102(e) art" — and is coowned with the present application.

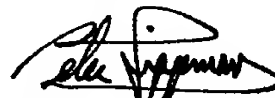
Therefore citation of Anderson under Section 103 in this case is believed to be prohibited by Section 103(c). The Applicants accordingly submit that the rejection is improper.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's favorable reconsideration and allowance of all the claims now standing in this case.

It is respectfully requested that, should there appear any further obstacle to allowance of the claims herein, the Examiner telephone the undersigned attorney to try to resolve the obstacle.

Respectfully submitted,



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MARKED-UP COPIES OF THE AMENDED AND NEW CLAIMS

These marked copies of the amended claim, and the new claims as well, are all presented here in the suggested publication order.

1 27. (new; to follow claim 1) The device of claim 1,  
2 wherein:  
3 the shelf is substantially rigid.

1 28. (new; to follow claim 5) The device of claim 5,  
2 wherein:  
3 the shuttle is arranged for substantially linear  
4 translation.

1 7. (twice amended) An inkjet device comprising:  
2 at least one printhead arranged to eject ink drops  
3 in a spitting operation;  
4 a spittoon arranged to store the ejected ink; and  
5 a temporary spittoon arranged to move between first  
6 and second positions, said temporary spittoon being ar-  
7 ranged in the first position so that the ink drops are  
8 ejected onto a surface of said temporary spittoon, and  
9 said temporary spittoon being further arranged to trans-  
10 fer the ink to the spittoon when in the second position;  
11 and wherein:  
12 the temporary spittoon is mounted on a shuttle, said  
13 shuttle being arranged to move the temporary spittoon be-  
14 tween the first and second positions;  
15 the temporary spittoon is arranged to be oriented in  
16 a first orientation when in the first position and in a  
17 second orientation different from the first orientation  
18 when positioned in the second position, such that when  
19 positioned in the second position the temporary spittoon  
20 is arranged to transfer the ink from the spittoon surface  
21 by gravity; and [according to claim 6, wherein:]  
22 the temporary spittoon is rotatably mounted to the  
23 shuttle and arranged to pivot relative to the shuttle be-  
24 tween the first and second orientations.

1 29. (new; to follow claim 22) The device of claim 22,  
2 wherein:  
3 the shelf is substantially rigid.

[end of amendment]

1 7. (twice amended) An inkjet device comprising:  
2 at least one printhead arranged to eject ink drops  
3 in a spitting operation;  
4 a spittoon arranged to store the ejected ink; and  
5 a temporary spittoon arranged to move between first  
6 and second positions, said temporary spittoon being ar-  
7 anged in the first position so that the ink drops are  
8 ejected onto a surface of said temporary spittoon, and  
9 said temporary spittoon being further arranged to trans-  
10 fer the ink to the spittoon when in the second position;  
11 wherein the temporary spittoon is mounted on a shut-  
12 tle, said shuttle being arranged to move the temporary  
13 spittoon between the first and second positions;  
14 the temporary spittoon is arranged to be oriented in  
15 a first orientation when in the first position and in a  
16 second orientation different from the first orientation  
17 when positioned in the second position, such that when  
18 positioned in the second position the temporary spittoon  
19 is arranged to transfer the ink from the spittoon surface  
20 by gravity; and [according to claim 6, wherein:]  
21 the temporary spittoon is rotatably mounted to the  
22 shuttle and arranged to pivot relative to the shuttle be-  
23 tween the first and second orientations.

1 27. (new; to follow claim 1) The device of claim 1,  
2 wherein:  
3 the shelf is substantially rigid.